

# SENATE BILL REPORT

## SB 5643

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As of February 17, 1997

**Title:** An act relating to authorizing educational agencies to rent, sell, or transfer assistive technology for the benefit of individuals with disabilities and authorizing the creation of interagency cooperative agreements for the purpose of providing assistive technology for children with disabilities.

**Brief Description:** Authorizing educational agencies to rent, sell, or transfer assistive technology.

**Sponsors:** Senators McAuliffe, Jacobsen and Long.

**Brief History:**

**Committee Activity:** Education: 2/21/97.

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### SENATE COMMITTEE ON EDUCATION

**Staff:** Karen Carter (786-7424)

**Background:** School districts, educational service districts and other state or local agencies concerned with education may declare as surplus: texts and other books, equipment, portable facilities and other materials. Once declared surplus, such property is available for sale, rental or lease to a public or private school at depreciated cost or fair market value, whichever is greater.

Under current law, when a district or agency declares such material as surplus, it must publish a newspaper notice about the availability of this property and contact schools requesting advance notice, then wait 30 days before disposing of the property. In disposing of property, districts and agencies must give priority to students wishing to purchase surplus textbooks.

Current administrative rules define assistive devices as "any item, piece of equipment or product system, whether acquired commercially, modified or customized, that is used to increase, maintain or improve the functional capabilities of children with disabilities." Examples of assistive devices include hand-made picture boards, communication technology, adaptive communication equipment and related software.

**Summary of Bill:** Current law is modified to allow assistive devices to be loaned, leased, sold or transferred to children with disabilities, to their parents, or to private and public nonprofit agencies that serve children with disabilities. Specific provisions governing such actions include the following:

- Districts or agencies must record the sale or transfer of an assistive device, and must base that sale or transfer on the item's depreciated value.

- Districts or agencies must conduct an annual inventory of assistive technology devices that exceed \$100 and must establish an annual depreciation schedule.
- Districts or agencies may develop interagency cooperative agreements to acquire, jointly fund, maintain, sell, loan, lease or transfer assistive devices.
- Districts or agencies may collaborate in providing assistive technology services, including, but not limited to assessment and training.

Assistive technology services are defined as actions that help a child select, acquire or use an assistive technology device. Such services may include:

- evaluating the need of a child with a disability including an evaluation of the child's customary environment;
- purchasing, leasing or providing for the acquisition of an assistive technology device(s);
- selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing an assistive technology device(s);
- coordinating and using other therapies, interventions, or services with an assistive technology device(s), such as those associated with existing education and rehabilitation plans and programs;
- training or assisting a child with a disability, or, if appropriate, the child's family; and
- training or assisting education and rehabilitation professionals, employers or others who are involved in the lives of children with disabilities.

The act clarifies that (1) assistive devices do not need to be declared "surplus property" for sale or transfer by districts and agencies; (2) surplus property notification requirements do not apply to assistive devices; and (3) a school district's obligation to provide assistive technology to ensure "a free and appropriate public education" as well as "equal opportunity and access to academic and extracurricular activities" for children with disabilities is not diminished or enhanced by the act.

**Appropriation:** None.

**Fiscal Note:** Requested on February 10, 1997

**Effective Date:** Ninety days after adjournment of session in which bill is passed.